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6 Attorneys for Plaintiffs

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

9 JEFFREY JOHNSON, JENNIFER
10 RIESE, SHAUN SIMMONS, and
11 JAMES PURVIS, individually, and on
behalf of others similarly situated,

12 Plaintiffs,

13 vs.

14 HEWLETT-PACKARD COMPANY
and DOES 1-25 Inclusive,

15 Defendants.

16 Case No. 3:09-cv-003596-CRB

17 **PLAINTIFFS' MOTION TO ENLARGE TIME
TO FILE THEIR RESPONSE TO HP'S
18 AMENDED MOTION FOR ATTORNEYS' FEES,
INCLUDING OBJECTIONS TO DEFENDANT'S
19 BILL OF COSTS; [ORDER**

MOTION TO ENLARGE TIME

Pursuant to Local Rule 6-3, Plaintiffs, Jeffrey Johnson, Jennifer Riese, Shaun Simmons, and James Purvis (“Plaintiffs”), through counsel, move for an Order enlarging the time by 21 days for Plaintiffs to object and otherwise respond to Defendant, Hewlett-Packard Company’s (HP) Amended Motion for Attorneys’ Fees and Bill of Costs. In support of this Motion, Plaintiffs state the following:

1. On March 10, 2014, the Court entered its order regarding the effect of the California Legislature’s amendment to Labor Code § 218.5. In that Order, the Court ordered Plaintiffs to respond to HP’s motion “within two weeks.”

2. Prior to this order, Plaintiffs had requested that the Court grant Plaintiffs 45 days from any order to file their opposition so that they could properly inquire into HP's attorneys' fees and costs, as well as consult necessary experts to address the fees and costs HP is requesting.

3. Following the Court's March 10th order, Plaintiffs began diligently reaching out to experts to evaluate the reasonableness of the approximately \$300,000 in attorneys' fees HP is seeking.

4. Plaintiffs have been able to secure the services of Mr. Jim Schratz, however, Mr. Schratz will require at least three weeks in which to analyze HP's fee request. See the Declaration of Jim Schratz, filed concurrently with this Motion.

5. Plaintiffs thus request at least three weeks in which to permit Mr. Schratz to evaluate the attorneys' fees claimed by HP and file any additional evidence or argument concerning the fees.

6. In addition to fees, HP is requesting substantial costs. HP's Bill of Costs is 147 pages long, and very detailed. Plaintiffs' response including objections will therefore require an extensive review of the Bill of Costs, and the information and documents contained or referred to in the Bill of Costs. This review cannot be completed prior to the current deadline for responding to the Bill of Costs.

7. Plaintiffs have contacted an expert in electronic discovery costs, who has conducted a preliminary review of those costs, but he did not have sufficient time to conduct a thorough review.

8. Thus, Plaintiffs additionally request time to file any evidence and argument concerning the costs claimed by HP in this matter.

9. Granting this request will not harm or prejudice any party. Rather, a mere three week extension will provide the Court the opportunity to effectively evaluate HP's extensive request by providing expert analysis.

10. Plaintiffs' counsel has conferred with HP's counsel, Anne Brafford, concerning this Motion. Ms. Brafford indicated that she would need to seek client approval to agree to an extension. Given the deadline faced by Plaintiffs, Plaintiffs have filed this Motion before hearing back from opposing counsel to avoid any prejudice to Plaintiffs.

ACCORDINGLY, Plaintiffs request an enlargement of time of at least 21 days from the date of any Order within which to file evidence and argument and otherwise respond to Amended Motion for Attorneys' Fees, as well as HP's Bill of Costs.

Dated: March 21, 2014

FRANKLIN D. AZAR &
ASSOCIATES, P.C.

/s/ FRANKLIN D. AZAR
FRANKLIN D. AZAR

Counsel for Plaintiffs

ORDER

Having considered Plaintiffs' Motion to Enlarge Time to File a Response to HP's Amended Motion for Attorneys' Fees and Bill of Costs, IT IS HEREBY ORDERED that Plaintiffs' Motion is GRANTED. Plaintiffs shall have until Friday, April 25, 2014 to file responsive paperwork, evidence and argument to HP's Amended Motion for Attorneys' Fees and HP's Bill of Costs.

IT IS SO ORDERED.

Dated: April 15, 2016

